REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed February 6, 2007. Claims 27-30 have been cancelled due to an election/restriction requirement. Claims 1-26 are pending in this Application. Claims 1-26 stand rejected under 35 U.S.C. § 103. Claims 1, 9, 14, 15, and 17 have been amended to further define various features of Applicants' invention. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 103

Claims 1-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0023885 by Mark R. Potter et al. ("*Potter*"), in view of U.S. Patent No. 6,735,704 issued to David Butka ("*Butka*"), in further view of U.S. Patent No. 6,583, 521 issued to Martin Lagod et al. ("*Lagod*").

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Applicants submit that a prima facie case of obviousness cannot be made because *Potter*, *Butka*, and *Lagod*, whether considered alone or in combination, do not disclose all the limitations of Applicants' amended claims.

For example, regarding amended Claim 1, *Potter*, *Butka*, and *Lagod* fail to teach or suggest a resource management engine operable to:

> predict a decreased demand requirement for the processing resources for a first time period based at least on the historical demand data for the system; and
>
> in response to the predicted decreased demand requirement, select between (a) lowering the power state of a particular processing resource and (b) turning off the particular processing resource for the first time period based at least on whether the demand requirement is predicted to increase at a second time period subsequent to the first time period. (emphasis added).

Thus, amended Claim 1 teaches a resource management engine that predicts a decreased demand for processing resources, and selects between (a) lowering the power state of a particular processing resource and (b) turning off the particular processing resource, based at least on whether the demand for processing resources is predicted to increase at a subsequent time period. As described in Applicants' Specification with respect to the example method shown in Figure 4:

> If resource management engine 14 predicts that the demand requirement will increase again in a short time period, processor 16 may be powered to a lower power state instead of completely taken offline so that when the additional processing power is needed to meet the current demand, processor 16 will only have to go from a lower power state to online instead of from offline to online. This will allow for power conservation and also decreases startup time for the processor.

(Page 24, lines 4-13).

None of *Potter*, *Butka*, or *Lagod* teach this feature. For example, *Potter* teaches:

> **[0022]** In accordance with the preferred embodiment shown in **FIG. 1**, each TPC **120, 130** can be placed in one of at least two power states--a higher power state and a lower power state. In the higher power state, a TPC consumes more power than in the lower power state. For example, the higher power state may be a "normal" operational mode in which the TPC operates at its full capability. The lower power state may be a reduced power mode in which the TPC operates at a reduced functionality that requires less power than in the normal mode. This reduced power state may involve reducing the frequency of a clock signal that is provided to the TPC's processor (not specifically shown in **FIG. 1**). It is well known that a processor consumes less power when clocked at a slower rate. Alternatively or additionally, the reduced power state may involve turning off ("spinning down") one or more disk drives (not shown), such as hard drives, in the TPC or even turning power off to the TPC altogether. In general, the reduced power state involves reducing the functionality of the TPC in order to save power. Thus, any mode of operation (including the off state) that results in lower power usage is intended to be within the scope of the reduced power state.

Thus, *Potter* teaches reducing the power state of a processor or even turning off the processor altogether, in order to reduce power usage. However, *Potter* does not disclose any criteria or methodology for *selecting between* reducing the power state of a particular processor and turning off the particular processor. Certainly, *Potter* does not disclose making such selection based at least on whether the demand for processing resources is predicted to increase at a subsequent time period.

Further, *Butka* and *Lagod* also fail to disclose this feature of amended Claim 1.

For at least these reasons, the proposed combination of *Potter*, *Butka*, and *Lagod*, cannot render amended Claim 1 obvious. Therefore, Applicants respectfully request reconsideration and allowance of amended Claim 1 as well as Claims 2-14 that depend from amended Claim 1. In addition, for analogous reasons, Applicants respectfully request reconsideration and allowance of amended independent Claim 15, as well as Claims 16-26 that depend therefrom.

CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of Claims 1-26 as amended.

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal. The Commissioner is authorized to charge the corresponding $790.00 fee to Deposit Account No. 50-2148. Applicants believe there are no other fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.322.2689.

Respectfully submitted,

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